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The repeal of Roe v. Wade, a Democrat strawman?

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As July rose and June set, Supreme Court Justice Anthony Kennedy surprised everyone by announcing his retirement from the high court. Kennedy's leave-taking will allow President Donald Trump to appoint yet another justice; this when leftists in the United States have yet to recover from his last appointment, Neil Gorsuch.

It is difficult to pigeonhole Kennedy ideologically. According to the Cato Institute, a reliable conservative organization, Kennedy's judicial philosophy does not fit neatly on a conservative or liberal grid: "Most terms he agreed with Cato's position more than any other justice and so he's also sometimes known as the Court's 'libertarian' justice. There's some truth to that, even though he often reached results that libertarians liked for reasons that [supported] dignity and civility rather than classical-liberal or natural-rights theory."

Kennedy's announcement brought the mourners out in droves, pitchforks in hand.

U.S. Rep. Rosa DeLauro, "a cheerleader and part prognosticator" on the left, according to CTMirror, sounded the alarm: "This [yet another Trump appointment to the Supreme Court] has to be raised to a decibel level that is deafening around the country. We thought that they could never take it away but it gives you some sense of how fragile democracy is ... we are fighting for the soul of this country and for democracy in the next several months." DeLauro was alluding to the likelihood that a Supreme Court with Trump's nominees might result in the repeal of Roe v. Wade.

Some legal scholars argue that the intellectual path to Roe v Wade was tortuous. Deriving a constitutional right to abortion from a 14th amendment fashioned in the post-Civil War Period to prevent states from depriving newly liberated slaves of "life, liberty, or property, without due process of law" struck some constitutionalists as a form of juridical necromancy on a par with deducing Shakespeare from lamb chops.

Others thought the court's insistence that the fetus should be shorn of all human rights until courts and legislatures found it politically convenient to assert such rights was too clever by half. However, a majority of the voting public would agree that the defective means used by the high court to arrive at its decision should not invalidate the end point. Abortion, if not late term abortion, has now become, as the lawyers say "settled law." The possibility of a repeal of Roe v Wade is highly unlikely. However, the remote possibility is used by demagogues as a sump pump to push campaign money into the war chests of DeLauro and other Democrat members of Connecticut's U. S. Congressional Delegation.

Connecticut's U.S. Senators, Dick Blumenthal and Chris Murphy, have announced their opposition to any Trump nominee to the high court. Blumenthal, not up for re-election in November, would be happy if Trump should reseat Kennedy following his retirement — not

likely. Both intend to use the remote possibility that *Roe v. Wade* will be repealed only to generate funds for the cause.

“As a candidate,” Murphy said, “I will be raising money. I will be organizing volunteers around one of the most important jobs of a United States senator, which is to make sure that the Supreme Court reflects the values of the country.” Murphy has \$8 million tucked away in his campaign kitty, but more of a good thing is a better thing. His Republican opponents collectively are unlikely to pass the million dollar mark — advantage Murphy.

Blumenthal, whom some have characterized as “the senator from Planned Parenthood,” has sternly opposed all reasonable attempts to impose restrictions on abortions — incredibly on moral grounds. A bill “requiring parental notification prior to a minor obtaining an abortion, unless the minor gives notice that she fears for her safety, in which case the matter shall be referred to the courts” — raised Bill 324 — was introduced by State Sen. Len Suzio during the 2017 session. Blumenthal’s assent to the measure was notably lacking. And we know why.

Two thirds of Americans — 60 percent of women — believe late term abortion should generally be illegal, and 80 percent oppose abortions in the third trimester, a point at which the developing child can live outside the womb and late gestation may increase risks of complications. In 2016, Blumenthal proposed a piece of legislation, S 1696, that effectively wiped out in a single stroke carefully calibrated state laws, including regulations on abortion after viability, and bans on the use of abortion as a method of sex selection.

Bills such as those introduced by Suzio are popular with parents whose best interests are not represented by the senator from Planned Parenthood. But Blumenthal has the advantage of both a massive campaign kitty and an uncritical media. Connecticut’s regulator-in-chief when he was the state’s Attorney General for 20 years, now the senator from Planned Parenthood, can well afford to play the yo-yo to abortion facilitators and claim, implausibly, that any attempt to regulate an industry that aborts late term fetuses and sells their body parts is morally indefensible.